

**STATE OF CONNECTICUT**

**DEPARTMENT OF CONSUMER PROTECTION**

**IN THE MATTER OF**

Sohan Johnson, Applicant  
M & J Investments LLC, Backer  
Johnson Food Mart  
Docket No. 13-866  
Permit No. LGB.14839

Case No. 2013-1023  
December 17, 2013

**MEMORANDUM OF DECISION**

This matter involves an application for a grocery beer liquor permit for Johnson Food Mart, 1726 Fairfield Avenue, Bridgeport, Connecticut. A formal administrative hearing was held before the Liquor Control Commission on September 26, 2013. Sohan Johnson, applicant and sole member of the backer limited liability company, appeared. The hearing was held on a question of Sec. 30-20(c), Connecticut General Statutes, to determine whether the premises qualifies as a “grocery store”. At the conclusion of the hearing the record was held open until October 10, 2013, to allow the applicant an opportunity to submit an additional Breakdown of Sales form.

Based upon the evidence adduced at the hearing, the following facts are found. Liquor Control Kula was assigned to investigate this new application. He reviewed the application itself and found it to be in order. He visited the proposed location as part of his new application investigation. This proposed premises is located in a freestanding building. The site also includes a gas station and a car wash. Gasoline sales are run up on a separate register. Agent Kula observed that grocery items were offered for sale in the store as well as tobacco products.

As part of the application process, the applicant submitted a breakdown of sales form for January, 2013. Agent Kula was concerned about the accuracy of those figures and requested that a new breakdown of sales form for January 2013 be submitted. A revised breakdown of sales form for January 2013 was received in May 2013 and Agent Kula submitted the file to the commission for consideration. This revised breakdown showed non-edible items (Line 10) of \$2,875 or 28% of total sales.

In preparation for the hearing, Agent Kula reviewed the file and raised a concern at the hearing that the nonedible items were underreported since this is a store which sells tobacco products and other nonedible items.

The applicant testified at the hearing that Johnson Food Mart sells approximately \$3,000-\$5,000 weekly in tobacco products and those sales figures were not included on either breakdown of sales form submitted to the department. Line 10 of the Breakdown of Sales form specifically asks for sales data for “Non-edible items: (i.e. tobacco, health/beauty aids, paper products, magazines, newspapers)” (Emphasis added).

At the conclusion of the hearing, the record was left open for the applicant to submit a breakdown of sales form for September 2013. The September 2012 breakdown of sales from showed \$11,547 or 36% of sales to be non-edible items (Line 10.) Based upon the applicant’s testimony that he sells \$3,000-\$5,000 per week in tobacco products, we do not feel that the September 2013 breakdown of sales presents an accurate statement of sales of nonedible items.

Based on the testimony and documents provided, we do not find that this store is “primarily engaged in the sale of groceries” and does not operate as a

grocery store within the meaning of Sec. 30-20(c), Connecticut General Statutes. Accordingly, the Department of Consumer Protection orders the application for a grocery store beer permit by Mr. Johnson denied for failure to qualify with the requirements set forth in Sec. 30-20(c). However, we will STAY such denial until January 15, 2014, to afford the applicant an opportunity to submit a withdrawal of this application to this department. If no such withdrawal has been received by January 15, 2014, the application will be denied.

**DEPARTMENT OF CONSUMER PROTECTION  
LIQUOR CONTROL COMMISSION  
BY**

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Elisa A. Nahas, Esq.  
Presiding Officer

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Stephen R. Somma, Commissioner

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Angelo Faenza, Commissioner

**Parties:**

Sohan Johnson, Applicant, 323 Hamilton Avenue, Greenwich, CT 06830

**Non-Parties:**

Director John Suchy, Liquor Control Division

Connecticut Beverage Journal

Connecticut State Library, 231 Capitol Avenue, Hartford, CT 06106